United States Department of Labor Employees' Compensation Appeals Board

J.H., Appellant)
and) Docket No. 21-1193
U.S. POSTAL SERVICE, SPRINGFIELD POST OFFICE, Springfield, OH, Employer) Issued: March 15, 2022)
Appearances: Alan J. Shapiro, Esq., for the appellant ¹	Case Submitted on the Record
Office of Solicitor, for the Director	

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Alternate Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On August 2, 2021 appellant, through counsel, sought an appeal from a purported July 27, 2021 decision of the Office of Workers' Compensation Programs (OWCP).² The Clerk of the Appellate Boards assigned Docket No. 21-1193.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).³ This jurisdiction encompasses any final decision issued by OWCP within 180 days of

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² The case record also contains March 24 and June 30, 2021 decisions of OWCP. As counseldid not appeal from those decisions, the Board will not consider them in this appeal. *See* 20 C.F.R. § 501.3; *see also D.E.*, Docket No. 21-0531 (issued June 16, 2021).

³ 5 U.S.C. § 8101 et seq; 20 C.F.R. § § 501.2(c) and 501.3(a).

the date appellant filed his appeal.⁴ The Board notes that the case record does not contain a final adverse decision of OWCP dated July 27, 2021.⁵

As there is no final adverse decision of OWCP, appealed by counsel within 180 days of the filing of this appeal, the Board concludes that the appeal docketed as No. 21-1193 must be dismissed.⁶

Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1193 is dismissed.

Issued: March 15, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

⁴ *Id.* at § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of OWCP."

⁵ By order dated July 27, 2021, the Board dismissed, at counsel's request, a timely appeal from the March 24, 2021 merit decision. *Order Dismissing Appeal*, Docket No. 21-0762 (issued July 27, 2021). That order became final upon the expiration of 30 days from the date of its issuance and is not subject to further review. 20 C.F.R. § 501.6(d).

⁶ *Id*.